



## MARIJUANA PENALTIES

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### ISSUE

This report summarizes the authorized penalties in Connecticut law for various marijuana-related offenses, including (1) the unauthorized possession or sale of marijuana, (2) the use of drug paraphernalia in connection with marijuana, and (3) fraud related to the medical marijuana program. The report updates OLR report [2011-R-0489](#).

### SUMMARY

Under Connecticut law, the unauthorized possession of less than ½ ounce of marijuana is not a crime, but is punishable by fines (and other penalties in certain circumstances). The unauthorized possession of ½ ounce or more is a misdemeanor, except certain repeat offenders may be subject to felony penalties.

The unauthorized sale of marijuana (including possession with intent to sell, manufacture, and related acts) is a felony, with specific penalties that vary based on certain factors such as the amount of the drug, where the act takes place, and whether the offender is drug-dependent. There are mandatory minimum prison terms in certain circumstances.

Specified acts involving drug paraphernalia and marijuana are infractions or misdemeanors, depending on the amount of marijuana involved. Certain fraudulent acts related to the medical marijuana program are also misdemeanors.

The tables below summarize the offenses and related penalties that apply to marijuana or other cannabis-type substances, which in some cases apply to other controlled substances as well. Please see the statutes for a complete description of the offenses and penalties.

The tables below generally do not include the collateral consequences that apply to certain drug convictions, such as restrictions on obtaining certain professional licenses. The report also does not address pretrial diversionary programs that may be available.

Under specified conditions, Connecticut law allows the possession and sale of marijuana for medical purposes. For information on the medical marijuana program, see the Department of Consumer Protection's [website](#).

## MARIJUANA-RELATED FINES AND CRIMINAL PENALTIES

Table 1: Marijuana Possession

<i>Brief Description</i>	<i>Authorized Penalties</i>
<p>Possession of less than ½ oz. of marijuana</p> <p>Cite: <a href="#">CGS § 21a-279a</a></p>	<p>First offense: \$150 fine</p> <p>Subsequent offenses: \$200 to \$500 fine (third-time violators must attend drug education, at their own expense)</p> <p>Violators follow the procedures the law sets for infractions (e.g., they can pay the fine by mail) (<a href="#">CGS § 51-164n</a>)</p> <p>60-day suspension of the driver's license or nonresident operating privileges of anyone under age 21 who is convicted of a violation (if the person does not have a license, he or she is ineligible for one for 150 days after meeting all licensing requirements) (<a href="#">CGS § 14-111e</a>)</p> <p>Burden of proof is preponderance of the evidence (rather than beyond a reasonable doubt) (<a href="#">CGS § 51-164n(i)</a>)</p>
<p>Possession of ½ oz. or more of marijuana</p> <p>Cite: <a href="#">CGS § 21a-279(a)</a></p>	<p>Class A misdemeanor, punishable by up to 1-year prison term, up to a \$2,000 fine, or both</p> <p>Second offense: court must evaluate the defendant and may suspend prosecution and order substance abuse treatment if the court determines that the person is drug dependent</p> <p>Subsequent offenses: court may find the person to be a persistent offender for controlled substance possession, which is punishable by a class E felony prison sentence (i.e., up to 3 years)</p>
<p>Possession of ½ oz. or more of marijuana within 1,500 feet of the property comprising (1) an elementary or secondary school by someone who is not attending the school or (2) a licensed day care center identified as such by a sign posted in a conspicuous place</p> <p>Cite: <a href="#">CGS § 21a-279(b)</a></p>	<p>Class A misdemeanor</p> <p>Court must sentence the person to a term of imprisonment and probation. The conditions of probation must include performing community service.</p>

**Table 2: Marijuana Sales and Related Offenses**

<b>Brief Description</b>	<b>Authorized Penalties</b>
<p>Sale, possession with intent to sell, or related actions involving any amount of marijuana</p> <p>Cite: <a href="#">CGS § 21a-277(b)</a></p>	<p>First offense: up to 7-year prison term, up to a \$25,000 fine, or both</p> <p>Subsequent offenses: up to 15-year prison term, up to a \$100,000 fine, or both</p> <p>Alternative sentence: up to 3-year indeterminate prison term with the possibility of conditional release by the correction commissioner (<a href="#">CGS § 21a-277(d)</a>)</p>
<p>Sale, possession with intent to sell, or related actions by a non-drug-dependent person of at least 1 kg. of marijuana</p> <p>Cite: <a href="#">CGS § 21a-278(b)</a></p>	<p>First offense: mandatory minimum 5- to 20-year prison term</p> <p>Subsequent offenses: mandatory minimum 10- to 25-year prison term</p> <p>Judge may suspend the mandatory minimum if, at the time of the offense, the person (1) was under age 18 or (2) had significantly impaired mental capacity</p> <p>Judge may depart from the mandatory sentence under certain other circumstances (see below)*</p>
<p>Sale by a non-drug-dependent adult of any amount of marijuana to a minor at least two years younger</p> <p>Cite: <a href="#">CGS § 21a-278a(a)</a></p>	<p>Mandatory 2-year prison term running consecutively to prison term imposed for the underlying crime</p>
<p>Sale, possession with intent to sell, or related actions involving any amount of marijuana within 1,500 feet of the property comprising (1) an elementary or secondary school, (2) a licensed day care center identified as such by a sign posted in a conspicuous place, or (3) a public housing project</p> <p>Cite: <a href="#">CGS § 21a-278a(b)</a></p>	<p>Mandatory 3-year prison term running consecutively to prison term imposed for the underlying crime</p> <p>Judge may depart from this sentence under certain circumstances (see below)*</p>
<p>Hiring or persuading a minor to sell any amount of marijuana</p> <p>Cite: <a href="#">CGS § 21a-278a(c)</a></p>	<p>Mandatory 3-year prison term running consecutively to prison term imposed for the underlying drug sale crime</p>

\* Judges may impose less than the mandatory minimum sentence when no one was hurt during the crime and the defendant (1) did not use or attempt or threaten to use physical force; (2) was unarmed; and (3) did not threaten to use or suggest that he or she had a firearm, other deadly weapon (e.g., a switchblade knife), or other instrument that could cause death or serious injury. Defendants must show good cause and can invoke these provisions only once. Judges must state at sentencing hearings their reasons for (1) imposing the sentence and (2) departing from the mandatory minimum ([CGS § 21a-283a](#)).

**Table 3: Drug Paraphernalia**

<b>Brief Description</b>	<b>Authorized Penalties</b>
<p>Use, possess with intent to use, or deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia in connection with less than ½ oz. of marijuana</p> <p>Cite: <a href="#">CGS § 21a-267(d)</a></p>	<p>Infraction (punishable by a fine, a surcharge, and an additional fee based on the amount of the fine; the current total amount due for violating § 21a-267(d) is \$136, per the Superior Court Infractions Schedule)</p> <p>60-day suspension of the driver's license or nonresident operating privileges of anyone under age 21 who is convicted of this infraction (if the person does not have a license, he or she is ineligible for one for 150 days after meeting all licensing requirements) (<a href="#">CGS § 14-111e</a>)</p> <p>Burden of proof is preponderance of the evidence (rather than beyond a reasonable doubt) (<a href="#">CGS § 51-164n(h)</a>)</p>
<p>Use or possess with intent to use drug paraphernalia in connection with ½ oz. or more of marijuana or any amount of another controlled substance</p> <p>Cite: <a href="#">CGS § 21a-267(a)</a></p>	<p>Class C misdemeanor, punishable by up to 3 months in prison, up to a \$500 fine, or both</p>
<p>Deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia in connection with ½ oz. or more of marijuana</p> <p>Cite: <a href="#">CGS § 21a-267(b)</a></p>	<p>Class A misdemeanor, punishable by up to 1-year prison term, up to a \$2,000 fine, or both</p>
<p>Commit the above acts in connection with ½ oz. or more of marijuana within 1,500 feet of the property comprising an elementary or secondary school by someone who is not attending the school</p> <p>Cite: <a href="#">CGS § 21a-267(c)</a></p>	<p>Mandatory 1-year prison term running consecutively to prison term imposed for the underlying crime</p> <p>Judge may depart from this sentence under certain circumstances (see below)*</p>
<p>Knowingly possessing drug paraphernalia in drug factory situation</p> <p>Cite: <a href="#">CGS § 21a-277(c)</a> (see <a href="#">CGS § 21a-255(b)</a>)</p>	<p>First offense: up to 2-year prison term, up to a \$3,500 fine, or both</p> <p>Subsequent offense: Class C felony, punishable by up to 10-year prison term, up to a \$10,000 fine, or both</p>
<p>Hiring or persuading a minor to possess drug paraphernalia in drug factory situation</p> <p>Cite: <a href="#">CGS § 21a-278a(c)</a></p>	<p>Mandatory 3-year prison term running consecutively to prison term imposed for the underlying crime</p>

\* Judges may impose less than the mandatory minimum sentence under the same circumstances as described above for certain drug sale offenses (see the footnote under Table 2).

**Table 4: Fraud Related to Medical Marijuana Program**

<b><i>Brief Description</i></b>	<b><i>Authorized Penalties</i></b>
Making a fraudulent representation to a law enforcement official of any fact or circumstance relating to medical marijuana use to avoid arrest or prosecution  Cite: <a href="#">CGS § 21a-408g(a)</a>	Class C misdemeanor
Making a fraudulent representation to a law enforcement official of any fact or circumstance relating to the issuance, contents, or validity of a written certification for medical marijuana use  Cite: <a href="#">CGS § 21a-408g(b)</a>	Class A misdemeanor

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